IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

INCOME TAX APPLICATION NO. 22 OF 1999.

The Commissioner of Income-tax. ... Applicant.
V/s.
Sai Profiles & Systems P.Ltd. ... Respondents.

Mr. Ashok Kotangale with Prashant Uchil for the applicant.

CORAM : V.C.DAGA & J.P.DEVADHAR,JJ.

DATED : 13.6 .2006.

P.C. :

. This application raises following substantial question of law said to be arising out of the order of the Tribunal dated 16.9.1997.

. "Whether on the facts and in the circumstances of the case and in law, the Tribunal erred in holding that the deduction u/s 80 HHC & 80 I of the Income Tax Act should be allowed disregarding the statutory provision of section 80 HHC(4) which provides that deduction u/s 80 HHC (1) shall not be admissible unless assessee furnishes in the prescribed form along with the return of income, the audit report under prescribed Rules?"

. The Tribunal has relied upon judgment of this Court in the case of Shivanand Electronics (209 ITR 63) and held that claim of the assessee could not have been rejected. The learned Counsel appearing for the Revenue accepts this legal position. In this view of the matter, no substantial question of law is involved in the application. Application is, therefore, rejected with no order as to costs.